

Minutes of the Ashburnham Conservation Commission
August 24, 2009

Present: MD: Marshall Dennis, Chairman CP: Christopher Picone
 LD: Lorraine DeSouza LC: Lori Capone, Conservation Agent

7:30 PM MD opened the Meeting of the Ashburnham Conservation Commission under the Wetlands Protection Act, M.G.L. Ch. 131 Sect. 40, and in accordance with the Ashburnham Wetlands Protection Bylaw

7:32 PM MD informed Marc Bingham, representative for the Applicant, that the Commission would not be able to open the Hearing for Norman and Sylvia Bingham of 68 Center Street due to the fact that one of the abutters was not properly notified. No abutters were in attendance of the meeting.
 LD: Motion to postpone the Hearing to September 14, 2009 at 8:00 due to an insufficient application
 CP: Seconded the Motion
 Motion carried unanimously 3-0

7:45 PM MD opened the Notice of Intent Hearing for George Prussack of Lot 316 Spruce Drive for the proposed construction of a new single family house, located within the buffer zone of Sunset Lake. MD asked is there were any abutters present to speak for or against the application: none were present. Angel Lehtonen of Northland Engineers presented the plan to the Commission for the applicant, who was not present. Ms. Lehtonen explained that this is a reapplication of a plan that was approved 5 years ago. The plan has changed slightly due to Title V changes. MD requested a Certificate of Compliance be requested for the old Order. The design maintains a 35-45 foot no disturb zone adjacent to the lake. LC mentioned a stream located on the adjacent parcel which was not flagged. Ms. Lehtonen stated that the stream is located more than 100-feet from the proposed work. CP requested the silt fence be installed up the lot line of Lot 315. LD requested the no-touch zone be demarcated in the field. It was agreed that the limit of work would be established by the use of silt fence as an erosion control barrier. It was determined that groundwater may be encountered when the foundation is being excavated. The Commission requested a dewatering plan be submitted at the time of the erosion control inspection. MD informed Ms. Lehtonen that the applicant must sign all future applications or a notarized letter authorizing her to represent her client be submitted.
 LD: Motion to close the Hearing
 CP: Seconded the Motion
 Motion carried unanimously 3-0
 LD: Motion to issue an Order of Conditions per plan and discussion with the additional of the silt fence and the submittal of a dewatering plan
 CP: Seconded the Motion
 Motion carried unanimously 3-0

8:00(8:08) PM MD informed Jack Visniewski of Cornerstone Land Consultants, representative for the applicant, that the Commission would not be able to open the Request for

Determination of Applicability Hearing for William Weatherby of 187 Ashby Road due to the fact the abutters have not been notified.

LD: Motion to postpone the Hearing to September 14, 2009 at 8:30 PM

CP: Seconded the Motion

Motion carried unanimously 3-0

* Mr. Weatherby admonished the Commission for not holding his Hearing

Other Business:

- MD looked at the property on Lakeshore Drive near the town owned property, for potential purchase. MD stated that the land is mostly wet and suggested that the land be donated to the Town or Ashburnham Conservation Trust.
- LC presented an Affidavit of Understanding to be attached to all Orders and submitted by every applicant prior to commencement of work.

8:15 PM Al Futterman of the Nashua River Watershed Council and Janet Morrison of the North County Land Trust met with the Commission regarding the Forest Legacy Program. LD recused herself from the discussion. This application required a government entity hold the Conservation Restrictions (CR) on properties bought with Forest Legacy money. The Commission wrote a letter of support and willingness to hold the CRs in Town that the State did not want. MD explained that the Commission did not have any concerns with holding the CRs but he and Gary Howland went before the Board of Selectmen to request money for the appraisals and legal support in monitoring these properties, if necessary. It was pointed out at that time that the Commission has a Conservation Fund account with approximately \$7800. The Commission was apprehensive to use all the money to fund the appraisals. The Board of Selectmen said this action would require a Town Meeting vote if town funds were used. MD stated he would do some research and get back in touch with Mr. Futterman and Ms. Morrison.

Other Business:

- MD requested LC send a letter to San Ken Homes regarding 24 & 30 River Styx Road requesting a replication plan that is specific to the site with plantings and grading and soil tests showing the depth to bedrock to be submitted by September 8, 2009 and to attend the meeting of the 14th.
- LC presented a letter from MassHighway regarding the repaving project of Route 12. LD requested that straw bales be used for erosion controls instead of haybales. LC will contact MassHighway.
- LC informed the Commission that DEP has requested a site visit at 4 Liberty Lane on September 16 at 10:00 AM in response to the Appeal made of the Orders the Commission issued for the construction of a garage within the buffer zone.
- MD and LC provided a status report to the Commission regarding their site visit of Bray Avenue located off Williams Road

- LC disseminated a Forest Cutting Plan for Old Gardner Road for comments.
- LC presented a request for an Extension for Lot 2 Old County Road. MD stated he would like to see the site before the Commission acts on the request.
- LC presented a Request for a Certificate of Compliance for 300 Ashby Road for the construction of a single family house.
LD: Motion to issue a Certificate of Compliance to 300 Ashby Road
CP: Seconded the Motion
Motion carried unanimously 3-0
- LC presented a Request for a Certificate of Compliance for 187 Winchendon Road for the construction of a single family house.
LD: Motion to issue a Certificate of Compliance to 187 Winchendon Road
CP: Seconded the Motion
Motion carried unanimously 3-0
- DEP forms signed: OOC for 66 Lincoln Avenue, CoC for 300 Ashby Road and 187 Winchendon Road
- LC disseminated the Town's Sexual Harassment Policy for review and signature
- The Commission discussed their Goals and Objectives for FY10
- LD: Motion to accept the minutes of May 11, 2009
MD: Seconded the Motion
Motion carried unanimously 3-0
- The Commission discussed a wetlands violation located at 129 Russell Hill Road, specifically the clearing of vegetation within a wetland and buffer zone. It was determined that LC would write the homeowners a letter requesting their appearance at the next meeting.
- LC informed the Commission that there would be a pre-construction meeting for Naukeag Hospital on August 25th at 8:30 AM

MD: Motion to adjourn
CP: Seconded the Motion
Motion carried unanimously 3-0

Meeting adjourned at 9:55 PM
Respectfully submitted by Lori Capone, Conservation Agent